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TO RUEHC/SECSTATE WASHDC 1443  
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RUEHNH/AMCONSUL NAHA 8256  
RUEHOK/AMCONSUL OSAKA KOBE 9527  
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TAGS: [ECON](#) [EINT](#) [ECPS](#) [ECON](#) [TINT](#) [JA](#)

SUBJECT: Japanese Police Arrest Inventor of Computer Virus

11. (U) Summary: Japanese police in Kyoto have arrested Masato Nakatsuji, alleged to have invented and distributed a computer virus. The search and subsequent arrest were based on suspected violations of Japan's copyright laws, as it is believed that the virus was delivered embedded in a video file, and the tampering and subsequent distribution were done without the consent of the video's rights holder. The case, as noted in the media, highlights the lack of legislation in Japan criminalizing acts of cybercrime such as the creation and dissemination of viruses. The Government tried to pass legislation in 2004 to criminalize certain acts of cybercrime, but the bill was never enacted. End summary.

12. (U) Kyoto prefectural police recently arrested Mr. Masato Nakatsuji, alleged to have invented and distributed the Harada virus, according to a report in Yomiuri Newspaper. Police searched the home of Nakatsuji, a graduate student, on suspicion of violating the Copyright Law. He is suspected of having created a number of computer viruses and to having embedded them in copyrighted animation as a means of distributing them. He chose popular videos to spread the virus faster. His latest virus was called "Harada" because it was spread in a video featuring an acquaintance of Nakatsuji's named Harada.

13. (U) Nakatsuji reportedly delivered the virus by posting the infected video files on Winny, a popular Japanese peer-to-peer file-sharing network. Unrelated to the current case, Winny's inventor, Mr. Isamu Kaneko, was arrested in 2004 and later fined 1.5 million Yen for Copyright law violations.

14. (U) According to Hisamichi Okamura, a lawyer and expert on information law, a core problem is the lack of adequate legal measures to counter computer viruses. The Government used the Copyright Law in this case, but it might not apply in other cases, so this highlights Japan's lack of more specific tools available under legislation criminalizing acts of cybercrime such as the creation and dissemination of malware.

15. (U) Another reason for Japan to pass legislation on cybercrime would be to enact the Convention on Cybercrime, which Japan signed in 2001. The Government proposed a cybercrime bill in 2004 but it stalled in the Diet in the face of political opposition to certain elements. The Government has now proposed a new bill to criminalize cybercrime and enact the Cybercrime Convention, but it too is currently under discussion

in the Diet.  
SCHIEFFER